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# **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/897,871
Filing Date	July 2, 2001
First Named Inventor	Heather A. Bowen-Leaver
Art Unit	1617
Examiner Name	Yu, Gina C.
Attorney Docket Number	2870/485

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. **Submission required under 37 CFR §1.114**

a. ☒ Previously submitted

i. ☒ Consider the amendment(s)/reply under 37 CFR §1.116 previously filed on November 27, 2002  
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

iii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☒ Other Preliminary Amendment

## 2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of \_\_\_\_\_ months (Period of suspension shall not exceed 3 months; Fee under 37 CFR §1.17(i) required)

b. ☐ Other \_\_\_\_\_

## 3. **Fees** The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 05-1320

i. ☒ RCE fee required under 37 CFR §1.17(e)

ii. ☒ Extension of time fee (37 CFR §§1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☒ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print / Type)

Dorene M. Price

Registration No. (Attorney / Agent)

43,018

Signature

*Dorene M. Price*

Date

January 27, 2003

## **CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office 703-308-4242

Name (Print / Type)

Dorene M. Price

Signature

*Dorene M. Price*

Date

January 27, 2003

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Attorney Docket No.: 00.30US

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Bowen-Leaver, et al.

Serial No.: 09/897,871

Group Art Unit: 1617

Filed: July 2, 2001

Examiner: Yu, Gina C.

For: Ringing Nanogel Compositions

11/c

R. Harm  
2/1/03**PRELIMINARY AMENDMENT**

The Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

The following Preliminary Amendment is submitted as a further response to the Examiner's Final Action dated August 27, 2002, and the Advisory Action dated December 26, 2002. Applicants previously filed, on November 27, 2002, a Response to the Final Office Action, which was considered but not deemed to place the application in condition for allowance. In the Advisory Action, the Examiner notes that the amendments proposed in Applicants' Response to the Final Office Action presents a new limitation which was not considered during the previous examination, and therefore, the §112 issues are clarified. However, it is the Examiner's opinion that the new limitation is in need of further search and consideration to make a stronger rejection of the new limitation. Concurrently herewith, Applicants submit a request for continued examination. Therefore, Applicants resubmit the content of their Response to the Final Office Action and request that the following amendments be entered, and the accompanying remarks in response to the Advisory Action be considered.

**CLEAN AMENDMENTS**

Please amend the following claims as follows in its clean form below and as the previous version of the claim is marked on the attached page entitled **MARKED AMENDMENTS**.

C/ 1. (Amended) An oil-in-water nanogel composition comprising an oil phase having a mean droplet size of less than about 100 nm, an emulsifier, a water phase, and a silicone component comprising at